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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,041	06/11/2001	Henry Olko	1423.2000	9815

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EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,041

Applicant(s)

OLKO, HENRY

Examiner

ABUL K. AZAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on January 18, 2005.
2. Claims 4-31 are pending in this action. Claims 1-3 have been canceled. Claims 4-31 have been newly added.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Morris (US 6,526,395).

As per claim ~~4~~ Morris teaches, "a method of enabling a user to conduct a simulated interactive conversation with multiple and selectable living, deceased or imaginary personalities or characters, comprising the steps of":

"providing a database of stored images of a plurality of living, deceased or imaginary personalities or characters" (col. 4, lines 4-14);

"storing in said database computer searchable information in the form of a collection of text and/or oral recorded or computer generated statements associated

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with said living, deceased or imaginary personalities or characters” (col. 4, line 60 to col. 5, line 13);

“allowing the user to select the identity of the character or personality the user wishes to communicate with” (col. 3, lines 43-46);

“allowing the user to interrogate the database orally or through a user interface with questions directed to the selected character or personality” (col. 3, lines 47-57);

“analyzing the questions and assembling an appropriate response from the database associated with the selected personality or character” (col. 4, line 60 to col. 5, line 13); and

“communicating the response to the user” (col. 5, lines 14-42).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of well-known prior art.

As per claim 5, Morris teaches, “a method of enabling a user to conduct a simulated interactive conversation with multiple and selectable simulated living, deceased or imaginary personalities or characters based on information in a database comprising the steps of”:

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“providing a database of stored images of a plurality of living, deceased or imaginary personalities or characters, including at least one host character” (col. 4, lines 4-14);

“providing a database of computer searchable information in the form of text or oral or computer generated statements associated with said personalities, characters and host” (col. 4, line 60 to col. 5, line 13);

“generating one or more questions by the host from the database for the user in order to permit the user to select a personality, character or personality/character menu” (col. 3, lines 37-46);

“understanding the answers to the questions from the host and generating an image of the personality or character selected by the user” (col. 3, lines 37-46);

“initiating a conversation between the user and selected personality or character by generating an introductory comment from the selected personality or character from a previously stored set of one or more introductory comments in the database respectively associated with the personality or character” (col. 4, lines 60 to col. 5, line 24);

“understanding questions or statements presented by the user to the selected personality or character” (col. 3, lines 37-46); and

“generating a response to the user from said database based on the content of the question” (col. 4, line 56 to col. 5, line 24).

Morris does not explicitly teach a predetermined greeting to the user from the selected host. Official notice is taken on the predetermine greeting to the user is well-

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known. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use predetermine greeting because that would provide a satisfactory customer service.

As per claim 6, Morris teaches, "wherein said steps of generating questions from the host, initiating conversation between the selected personality or character and generating a response to the user each comprise generating a text message" (col. 5, lines 19-24).

As per claim 7, Morris teaches, "wherein said steps of generating questions from the host, initiating conversation between the selected personality or character and generating a response to the user each comprise generating a speech response" (col. 5, lines 56-62).

As per claim 8, Morris teaches, "wherein said understanding comprise understanding text messages (col. 4, lines 36-55).

As per claim 9, Morris teaches, "wherein said understanding steps comprise understanding speech messages (col. 4, lines 36-55).

As per claim 10, Morris teaches, "wherein said steps of generating an image of the host and the selected personality or character includes synchronizing movement of the image's face and lips to coordinate with the generated responses" (col. 5, lines 43-62 and col. 4, lines 4-14).

As per claim 11, Morris does not explicitly teach help responses from the host to questions posed to the host during such conversations. Official notice is taken on a well-known help response. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of the invention to use help response to stop the conversation because that would provide the solution of misunderstanding of the question to retrieve exact answer from the system.

As per claim 12, Morris teaches, "wherein said step of generating an image of the selected personality or character and initiating a conversation between the user and the selected personality or character includes formulating the image's response to reflect the personal characteristics of the selected personality or character" (col. 3, lines 1-26).

As per claim 13, Morris teaches, "the step of allowing the user to terminate the conversation at anytime" (terminate the conversation is inherent such a system).

As per claim 14, Morris teaches, "including generating the image of the host when the user attempts to terminate a conversation and generating a closing salutation from the host" (terminate the conversation is inherent such a system).

As per claim 15, Morris teaches, "including offering the user in said closing salutation the opportunity to select another personality or character to converse with" (terminate the conversation is inherent such a system).

As per claim 16, Morris does not explicitly teach database is at a remote location from the user and the interactive conversation is conducted over the world wide web. Official Notice is taken on the well-known teach database is at a remote location from the user and the interactive conversation is conducted over the world wide web. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use database is at a remote location from the user and the interactive

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conversation is conducted over the world wide web because that would provide less memory use in the local computer and wide area to search from the WWW.

As per claim 17, Morris teaches, "including the step of the host asking the user for comments on the conversation and/or to identify personalities or characters of interest to the user and not available on the database" (col. 3, line 43-46).

As per claim 18, Morris teaches, "including the step of including in said database historical film and/or photographic images associated with at least some of the personalities or characters in the database and displaying such images in context with an associated response to a new question" (col. 3, line 66 to col. 4, line 3).

As per claim 19, Morris teaches, "including the step of including in said database text information such as magazine articles, book excerpts, speech texts and the like associated with at least some of the personalities in the database and displaying such images in context with an associated response to the user" (col. 3, line 66 to col. 4, line 14).

As per claims 20-31, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 5-19.

Response to Arguments

7. Applicant's arguments with respect to claims 5-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

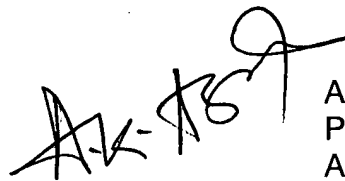
Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABUL K. AZAD whose telephone number is (571) 272-7599. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHEMOND DORVIL can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'AK-159' with a stylized flourish at the end.

ABUL K. AZAD
Primary Examiner
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June 25, 2005